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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
TUCSON DIVISION**

**BRANDON LAND,
an individual,**

PLAINTIFF,

v.

**SCG NORTHPOINTE LLC,
a limited liability company,**

DEFENDANT.

COMPLAINT

CASE# _____

COMPLAINT

Plaintiff BRANDON LAND (“LAND” or “Plaintiff”) hereby sues Defendant, SCG-NORTHPOINTE LLC, a limited liability company, (hereinafter “Defendant”) pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12181 *et seq.* (“ADA”), and its implementing regulations, the ADA’s Accessibility Guidelines, 28 C.F.R. Part 36 (“ADAAG”) and alleges as follows:

PRELIMINARY STATEMENT

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2 1. Though not required by the ADA, Plaintiff attempted to resolve this
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4 matter prior to filing the present complaint but was unable to do so.

5 2. Defendant's ADA violations create real and significant barriers to
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7 entry for disabled persons such as Plaintiff. Pursuant to Title III of the ADA,
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9 Plaintiff seeks declaratory and injunctive relief requiring Defendant to (1) remedy
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11 the violations identified herein and (2) enact and adhere to a policy that ensures the
proper maintenance of the property to avoid future ADA violations.

JURISDICTION AND PARTIES

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13 3. This is an action for declaratory and injunctive relief pursuant to Title
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15 III of the ADA. This Court is vested with original jurisdiction over the action
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17 pursuant to 28 U.S.C. §§ 1331 and 1343 for Plaintiff's claims pursuant to 42
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19 U.S.C. § 12181 *et seq.*, based upon Defendant's, SCG-NORTHPOINTE LLC's,
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21 failure to remove physical barriers to access and violations of Title III of the ADA.

22 4. Venue is properly located in the DISTRICT OF ARIZONA IN THE
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24 TUCSON DIVISION pursuant to 28 U.S.C. § 1391(b) because venue lies in the
25
26 judicial district of the property situs or the judicial district in which a substantial
27
28 part of the events or omissions giving rise to Plaintiff's claims occurred. The
Defendant's property is located in and does business within this judicial district and
all events giving rise to this lawsuit occurred in this judicial district.

1 5. Plaintiff, BRANDON LAND, is and has been at all times relevant to
2 the instant matter, a natural person residing in Arizona and is sui juris.

3
4 6. Plaintiff is an individual with disabilities as defined by the ADA.

5 7. Plaintiff is substantially limited in performing one or more major life
6 activities, including but not limited to: walking and standing.

7
8 8. Plaintiff uses a wheelchair for mobility purposes.

9 9. Plaintiff is also an independent advocate of the rights of similarly
10 situated disabled persons and is a “tester” for the purpose of enforcing Plaintiff’s
11 civil rights, monitoring, determining and ensuring whether places of public
12 accommodation are in compliance with the ADA. Plaintiff’s motivation to return to
13 a location, in part, stems from a desire to utilize ADA litigation to make his home
14 community more accessible for Plaintiff and others; and pledges to do whatever is
15 necessary to create the requisite standing to confer jurisdiction upon this Court so
16 an injunction can be issued correcting the numerous ADA violations on the Subject
17 Property, including returning to the Subject Property as soon as it is accessible
18 (“Advocacy Purposes”).
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23 10. Defendant, SCG-NORTHPOINTE LLC, is a limited liability company
24 conducting business in the State of Arizona and within this judicial district.
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FACTUAL ALLEGATIONS

11. On or about January of 2023, Plaintiff attempted to but was deterred from patronizing and/or gaining equal access as a disabled patron to the Shopping Center located at 6741 N Thornydale Rd #121, Tucson, AZ 85741 (“Subject Facility”, “Subject Property”).

12. SCG-NORTHPOINTE LLC is the owner, lessor, and/or operator/lessee of the real property and improvements that are the subject of this action, specifically the Shopping Center and its attendant facilities, including vehicular parking and common exterior paths of travel within the site identified by the Pima County Assessor parcel identification number 101-05-0710, 101-05-0720, 101-05-0730, 101-05-0740, 101-05-0750 and 101-05-076C (“Subject Facility”, “Subject Property”).

13. Plaintiff lives within thirty (30) miles of the Subject Property. Because the Subject Property is located on a Pima County thoroughfare that he frequents routinely, he is routinely where the Subject Property is located and travels in and about the immediate area of the Subject Property numerous times every month, if not every week.

14. Plaintiff’s access to the Subject Property and/or full and equal enjoyment of the goods, services, facilities, privileges, advantages and/or accommodations offered therein were denied and/or limited because of his

1 disabilities, and he will be denied and/or limited in the future unless and until
2 Defendant, SCG-NORTHPOINTE LLC, is compelled to remove the physical
3 barriers to access and correct the ADA violations that exist at the Subject Property,
4 including those set forth in this Complaint.
5

6 15. Plaintiff has visited, i.e. attempted to patronize, the Subject Property
7 on multiple prior occasions, and at least once before as a patron and advocate for
8 the disabled. Plaintiff intends on revisiting the Subject Property within six months
9 of the filing of this Complaint or sooner, as soon as the barriers to access detailed
10 in this Complaint are removed. The purpose of the revisit is to be a regular patron,
11 to determine if and when the Subject Property is made accessible, and to maintain
12 standing for this lawsuit for Advocacy Purposes.
13
14

15 16. Plaintiff intends on revisiting the Subject Property to enjoy the same
16 experiences, goods, and services available to Defendant's non-disabled patron as
17 well as for Advocacy Purposes, but does not intend to continue to repeatedly
18 re-expose himself to the ongoing barriers to equal access and engage in the futile
19 gesture of attempting to patronize the Subject Property, a business of public
20 accommodation known to Plaintiff to have numerous and continuing barriers to
21 equal access for wheelchair users.
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26 17. Plaintiff recently traveled to the Subject Property as a patron and as an
27 independent advocate for the disabled, encountered and/or observed the barriers to
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1 access that are detailed in this Complaint, engaged those barriers where physically
2 possible, suffered legal harm and legal injury, and will continue to suffer such harm
3 and injury as a result of the illegal barriers to equal access present at the Subject
4 Property.
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7 **COUNT I – CLAIM FOR INJUNCTIVE RELIEF**

8 **(Against Defendant for ADA Violations)**

9 18. The effective date of Title III of the ADA was January 26, 1992 (or
10 January 26, 1993, if a defendant has 10 or fewer employees and gross receipts of
11 \$500,000 or less). 42 U.S.C. § 12181; 28 C.F.R. § 36.508(a).
12

13 19. The Subject Property is a public accommodation and service
14 establishment.
15

16 20. Pursuant to the mandates of 42 U.S.C. § 12134(a), on July 26, 1991,
17 the Department of Justice and Office of Attorney General promulgated federal
18 regulations to implement the requirements of the ADA. 28 C.F.R. Part 36.
19

20 21. Public accommodations were required to conform to these regulations
21 by January 26, 1992 (or by January 26, 1993, if a defendant has 10 or fewer
22 employees and gross receipts of \$500,000 or less). 42 U.S.C. § 12181 *et seq.*; 28
23 C.F.R. § 36.508(a).
24

25 22. The Subject Property must be, but is not, in compliance with the ADA
26 and the ADAAG.
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1 23. Plaintiff has attempted to, and has to the extent possible, accessed the
2 Subject Property in his capacity as a patron at the Subject Property and as an
3 independent advocate for the disabled, but could not fully do so because of his
4 disabilities resulting from the physical barriers to access, dangerous conditions and
5 ADA violations that exist at the Subject Property that preclude and/or limit his
6 access to the Subject Property and/or the goods, services, facilities, privileges,
7 advantages and/or accommodations offered therein, including those barriers,
8 conditions and ADA violations more specifically set forth in this Complaint.
9

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11
12 24. Plaintiff intends to visit the Subject Property again in the very near
13 future as a patron and as an independent advocate for the disabled, in order to
14 utilize all of the goods, services, facilities, privileges, advantages and/or
15 accommodations commonly offered to able-bodied patrons of the Subject Property
16 but will be unable to fully do so because of his disability and the physical barriers
17 to access, dangerous conditions and ADA violations that exist at the Subject
18 Property that preclude and/or limit his access to the Subject Property and/or the
19 goods, services, facilities, privileges, advantages and/or accommodations offered
20 therein, including those barriers, conditions and ADA violations more specifically
21 set forth in this Complaint.
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25 25. Defendant, SCG-NORTHPOINTE LLC, has discriminated against
26 Plaintiff (and others with disabilities) by denying his access to, and full and equal
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1 enjoyment of the goods, services, facilities, privileges, advantages and/or
2 accommodations of the Subject Property, as prohibited by, and by failing to remove
3 architectural barriers as required by, 42 U.S.C. § 12182(b)(2)(A)(iv).

5 26. Defendant, SCG-NORTHPOINTE LLC, will continue to discriminate
6 against Plaintiff and others with disabilities unless and until SCG-NORTHPOINTE
7 LLC is compelled to remove all physical barriers that exist at the Subject Property,
8 including those specifically set forth herein, and make the Subject Property
9 accessible to and usable by Plaintiff and other persons with disabilities.
10

12 27. A specific list of unlawful physical barriers, dangerous conditions and
13 ADA violations which Plaintiff experienced and/or observed that precluded and/or
14 limited Plaintiff's access to the Subject Property and the full and equal enjoyment
15 of the goods, services, facilities, privileges, advantages and accommodations of the
16 Subject Property include, but are not limited to:
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20 ACCESSIBLE ROUTES/PARKING
21 (Exterior)
22

- 23 a. There is no accessible route provided within the site
24 from the public sidewalk which serves the Subject
25 Facility. Violation: There is no accessible route
26 connecting the public sidewalk serving the subject
27 facility and any accessible entrance(s) in violation of
28 Section 4.3.2 of the 1991 ADAAG and Section
206.2.1 of the 2010 ADAAG. These violations made

1 it dangerous for Plaintiff to utilize the parking facility
2 at the Subject Property and caused Plaintiff loss of
3 opportunity.

4 b. The paint delineating the designated accessible
5 parking spaces and access aisles are not being
6 maintained so that it clearly marks the accessible
7 parking location in violation of 28 CFR § 36.211,
8 Section 4.6 of the 1991 ADAAG, and Section 502.3.3
9 of the 2010 ADAAG. These violations made it
10 dangerous for Plaintiff to utilize the parking facility at
11 the Subject Property and caused Plaintiff loss of
12 opportunity.

13 c. There is no accessible route provided within the site
14 from the public sidewalk which serves the Subject
15 Facility. Violation: There is no accessible route
16 connecting the public sidewalk serving the subject
17 facility and any accessible entrance(s) in violation of
18 Section 4.3.2 of the 1991 ADAAG and Section
19 206.2.1 of the 2010 ADAAG. These violations made
20 it dangerous for Plaintiff to utilize the parking facility
21 at the Subject Property and caused Plaintiff loss of
22 opportunity.

23 Orange Grove Chiropractic

24 d. The access aisles adjacent to the designated accessible
25 spaces have curb ramps projecting into them and/or
26 have surfaces which are otherwise not level in all
27 directions in violation of 28 CFR § 36.211, Section
28 4.6.3 of the 1991 ADAAG and Section 502.4 of the
2010 ADAAG. These violations made it dangerous
for Plaintiff to utilize the parking facility at the
Subject Property and caused Plaintiff loss of
opportunity.

- 1 e. The curb ramp leading to the entrance of the Subject
2 Property from the parking facility has flared sides,
3 which are steeper than 1:10. This is in
4 violation of 28 CFR § 36.211, 4.7.5 of the 1991
5 ADAAG, and 406.3 of 2010 ADAAG. These
6 violations made it dangerous for Plaintiff to utilize the
7 parking facility at the Subject Property and caused
8 Plaintiff loss of opportunity.
- 9 f. The ramp to the accessible entrance (the only means
10 of access to wheelchair users) has a run which
11 exceeds the maximum slope requirement (8.33%) set
12 forth in Section 4.7.2 of the 1991 ADAAG and
13 Section 406.1 of the 2010 ADAAG. These violations
14 made it dangerous for Plaintiff to utilize the parking
15 facility at the Subject Property and caused Plaintiff
16 loss of opportunity.

17 North Pointe Dental Office

- 18 g. The access aisles adjacent to the designated accessible
19 spaces have curb ramps projecting into them and/or
20 have surfaces which are otherwise not level in all
21 directions in violation of 28 CFR § 36.211, Section
22 4.6.3 of the 1991 ADAAG and Section 502.4 of the
23 2010 ADAAG. These violations made it dangerous
24 for Plaintiff to utilize the parking facility at the
25 Subject Property and caused Plaintiff loss of
26 opportunity.
- 27 h. The curb ramp leading to the entrance of the Subject
28 Property from the parking facility has flared sides,
which are steeper than 1:10. This is in
violation of 28 CFR § 36.211, 4.7.5 of the 1991
ADAAG, and 406.3 of 2010 ADAAG. These
violations made it dangerous for Plaintiff to utilize the

1 parking facility at the Subject Property and caused
2 Plaintiff loss of opportunity.

- 3 i. The ramp to the accessible entrance (the only means
4 of access to wheelchair users) has a run which
5 exceeds the maximum slope requirement (8.33%) set
6 forth in Section 4.7.2 of the 1991 ADAAG and
7 Section 406.1 of the 2010 ADAAG. These violations
8 made it dangerous for Plaintiff to utilize the parking
9 facility at the Subject Property and caused Plaintiff
10 loss of opportunity.

11 Dunn-Edwards Paints Store

- 12 j. The access aisles adjacent to the designated accessible
13 spaces have curb ramps projecting into them and/or
14 have surfaces which are otherwise not level in all
15 directions in violation of 28 CFR § 36.211, Section
16 4.6.3 of the 1991 ADAAG and Section 502.4 of the
17 2010 ADAAG. These violations made it dangerous
18 for Plaintiff to utilize the parking facility at the
19 Subject Property and caused Plaintiff loss of
20 opportunity.
- 21 k. The curb ramp leading to the entrance of the Subject
22 Property from the parking facility has flared sides,
23 which are steeper than 1:10. This is in
24 violation of 28 CFR § 36.211, 4.7.5 of the 1991
25 ADAAG, and 406.3 of 2010 ADAAG. These
26 violations made it dangerous for Plaintiff to utilize the
27 parking facility at the Subject Property and caused
28 Plaintiff loss of opportunity.
1. The ramp to the accessible entrance (the only means
of access to wheelchair users) has a run which
exceeds the maximum slope requirement (8.33%) set
forth in Section 4.7.2 of the 1991 ADAAG and

1 Section 406.1 of the 2010 ADAAG. These violations
2 made it dangerous for Plaintiff to utilize the parking
3 facility at the Subject Property and caused Plaintiff
4 loss of opportunity.

5
6 Iron Door Arizona Store

- 7 m. There is no van-accessible parking present in violation
8 of Section 4.6 of the 1991 ADAAG and Section 502
9 of the 2010 ADAAG. These violations made it
10 dangerous for Plaintiff to utilize the parking facility at
11 the Subject Property and caused Plaintiff loss of
12 opportunity.
- 13 n. There is no van-accessible parking identified as such
14 with upright "Van Accessible" signage in violation of
15 Section 4.6 of the 1991 ADAAG and Sections 208,
16 302 and 502 of the 2010 ADAAG. These violations
17 made it dangerous for Plaintiff to utilize the parking
18 facility at the Subject Property and caused Plaintiff
19 loss of opportunity.
- 20 o. The paint delineating the designated accessible
21 parking spaces and access aisles are not being
22 maintained so that it clearly marks the accessible
23 parking location in violation of 28 CFR § 36.211,
24 Section 4.6 of the 1991 ADAAG, and Section 502.3.3
25 of the 2010 ADAAG. These violations made it
26 dangerous for Plaintiff to utilize the parking facility at
27 the Subject Property and caused Plaintiff loss of
28 opportunity.
- 29 p. The access aisles are too narrow in violation of
30 Section 4.1 of the 1991 ADAAG and Section 503 of
31 the 2010 ADAAG. These violations made it
32 dangerous for Plaintiff to utilize the parking facility at

1 the Subject Property and caused Plaintiff loss of
2 opportunity.

- 3 q. The ramps to the accessible entrance (the only means
4 of access to wheelchair users) have a run that exceeds
5 the maximum slope requirement (8.33%) set forth in
6 Section 4.7.2 of the 1991 ADAAG and Section 406.1
7 of the 2010 ADAAG. These violations made it
8 dangerous for Plaintiff to utilize the parking facility at
9 the Subject Property and caused Plaintiff loss of
10 opportunity.
- 11 r. The access aisles adjacent to the designated accessible
12 spaces have curb ramps projecting into them and/or
13 have surfaces which are otherwise not level in all
14 directions in violation of 28 CFR § 36.211, Section
15 4.6.3 of the 1991 ADAAG and Section 502.4 of the
16 2010 ADAAG. These violations made it dangerous
17 for Plaintiff to utilize the parking facility at the
18 Subject Property and caused Plaintiff loss of
19 opportunity.
- 20 s. The curb ramps leading to the entrance of the Subject
21 Property from the parking facility has flared sides,
22 which are steeper than 1:10. This is in
23 violation of 28 CFR § 36.211, 4.7.5 of the 1991
24 ADAAG, and 406.3 of 2010 ADAAG. These
25 violations made it dangerous for Plaintiff to utilize the
26 parking facility at the Subject Property and caused
27 Plaintiff loss of opportunity.

28 MAINTENANCE PRACTICES

- t. Defendant has a practice of failing to maintain the
accessible features of the facility, creating barriers to
access for the Plaintiff, as set forth herein, in violation
of 28 CFR § 36.211. This practice prevented access to

1 the plaintiff equal to that of Defendant's able-bodied
2 customers causing Plaintiff loss of opportunity.

3 u. Defendant has a practice of failing to maintain the
4 accessible elements at the Subject Facility by
5 neglecting its continuing duty to review, inspect, and
6 discover transient accessible elements which by the
7 nature of their design or placement, frequency of
8 usage, exposure to weather and/or other factors, are
9 prone to shift from compliant to noncompliant so that
10 said elements may be discovered and remediated.
11 Defendant failed and continues to fail to alter its
12 inadequate maintenance practices to prevent future
13 recurrence of noncompliance with dynamic accessible
14 elements at the Subject Facility in violation of 28 CFR
15 § 36.211, the 1991 ADAAG, and the 2010 ADAAG.
16 These violations, as set forth hereinabove, made it
17 impossible for Plaintiff to experience the same access
18 to the goods, services, facilities, privileges,
19 advantages and accommodations of the Subject
20 Facility as Defendant's able-bodied patrons and
21 caused Plaintiff loss of opportunity.

22 v. Defendant has failed to modify its discriminatory
23 maintenance practices to ensure that, pursuant to its
24 continuing duty under the ADA, the Subject Property
25 remains readily accessible to and usable by disabled
26 individuals, including Plaintiff, as set forth herein, in
27 violation of 28 CFR § 36.302 and 36.211. This failure
28 by Defendant prevented access to the plaintiff equal to
that of Defendant's able-bodied customers causing
Plaintiff loss of opportunity.

28 28. The discriminatory violations described above are not an exhaustive
list of the Defendant's current barriers to equal access and violations of the ADA

1 because Plaintiff was unable to access and assess all areas of the subject premises
2 due to the architectural barriers encountered. A complete list of the subject
3 location's ADA violations affecting the Plaintiff as a wheelchair user, and the
4 remedial measures necessary to remove same, will require an on-site inspection by
5 Plaintiff's representatives pursuant to Federal Rule of Civil Procedure 34. Once the
6 Plaintiff personally encounters discrimination, as alleged above, or learns of
7 discriminatory violations through expert findings of personal observation, he has
8 actual notice that the defendant does not intend to comply with the ADA.
9

12 29. The Defendant has a practice of failing to maintain the accessible
13 elements at the Subject Property by neglecting its continuing duty to review,
14 inspect, and discover transient accessible elements which by the nature of its
15 design or placement, frequency of usage, exposure to weather and/or other factors,
16 are prone to shift from compliant to noncompliant, so that said elements are
17 discovered and remediated. Defendant failed and continues to fail to alter its
18 inadequate maintenance practices to prevent future recurrence of noncompliance
19 with dynamic accessible elements at the Subject Property in violation of 28 CFR
20 §§ 36.202 and 36.211. These violations, as referenced hereinabove, made it
21 impossible for Plaintiff, as a wheelchair user, to experience the same access to the
22 goods, services, facilities, privileges, advantages and accommodations of the
23 Subject Property as Defendant's able-bodied patrons.
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1 30. Accessible elements at the Subject Property have been altered and/or
2 constructed since 2010.

3
4 31. The foregoing violations are violations of the 1991 ADAAG, and the
5 2010 ADAAG, as adopted by the U.S. Department of Justice. In instances where
6 the 2010 ADAAG standards do not apply, the 1991 ADAAG standards apply, and
7 all of the alleged violations set forth herein can be modified to comply with the
8 1991 ADAAG standards.

9
10
11 32. The removal of the physical barriers, dangerous conditions and ADA
12 violations alleged herein is readily achievable and can be accomplished and carried
13 out without significant difficulty or expense. 42 U.S.C. § 12182(b)(2)(A)(iv); 42
14 U.S.C. § 12181(9); 28 C.F.R. § 36.304.

15
16
17 33. Each of the violations alleged herein is readily achievable to modify to
18 bring the Subject Property into compliance with the ADA.

19
20 34. Removal of the physical barriers and dangerous conditions present at
21 the Subject Property is readily achievable because of the site conditions at the
22 Subject Property, the structural design of the subject facility, and the
23 straightforward nature of the necessary modifications.

24
25 35. To assist businesses in offsetting the costs associated with complying
26 with the ADA and removing barriers to access for individuals with disabilities,
27 Section 44 of the IRS Code provides a tax credit for small business owners, and
28

1 Section 190 of the IRS Code provides a tax deduction for all business owners,
2 including the Defendant.
3

4 36. Removal of the physical barriers and dangerous conditions at the
5 Subject Property is readily achievable because of the relative low cost of the
6 necessary modifications and the Defendant has the financial resources to make the
7 modifications, including the financial assistance made available to Defendant by
8 the government pursuant to Section 44 and/or Section 190 of the IRS Code.
9
10

11 37. By continuing to maintain and/or operate the Subject Property with
12 discriminatory conditions in violation of the ADA, Defendant contributes to
13 Plaintiff's sense of isolation and segregation and deprives Plaintiff of the full and
14 equal enjoyment of the goods, services, facilities, privileges, and accommodations
15 available to able bodied individuals of the general public.
16
17

18 38. Defendant is required to remove the existing architectural barriers to
19 the physically disabled when such removal is readily achievable for its places of
20 public accommodation that have existed prior to January 26, 1992, 28 CFR
21 36.304(a); additionally, if there has been an alteration to Defendant's place of
22 public accommodation since January 26, 1992, then Defendant is required to
23 ensure to the maximum extent feasible, that the altered portions of the facility are
24 readily accessible to and usable by individuals with disabilities, including people
25 who use wheelchairs, 28 CFR 36.402; and finally, if the Defendant's facilities were
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1 designed and constructed for first occupancy subsequent to January 26, 1993, as
2 defined in 28 CFR 36.401, then the Defendant's facilities must be readily
3 accessible to and useable by individuals with disabilities as defined by the ADA.
4 To date, Defendant has failed to comply with this mandate.
5

6
7 39. Plaintiff is without adequate remedy at law and is suffering irreparable
8 harm and reasonably anticipates that he will continue to suffer irreparable harm
9 unless and until Defendant, SCG-NORTHPOINTE LLC, is required to remove the
10 physical barriers, dangerous conditions and ADA violations that exist at the
11 Subject Property, including those alleged herein. Considering the balance of
12 hardships between the Plaintiff and Defendant, a remedy in equity is warranted.
13
14

15 40. Plaintiff's requested relief serves the public interest.
16

17 41. Plaintiff's counsel is entitled to recover his reasonable attorneys' fees
18 and costs of litigation from Defendant, SCG-NORTHPOINTE LLC, pursuant to 42
19 U.S.C. §§ 12188, 12205 and 28 CFR 36.505. Plaintiff will be denied full and equal
20 access to the subject premises, as provided by the ADA unless the injunctive relief
21 requested herein is granted.
22

23 42. Pursuant to 42 U.S.C. § 12188, this Court is vested with the authority
24 to grant Plaintiff injunctive relief; including an Order to alter the subject facilities
25 to make them readily accessible to, and useable by, individuals with disabilities to
26 the extent required by the ADA, and closing the subject facilities until the requisite
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1 modifications are completed, and ordering Defendant to fulfill its continuing duty
2 to maintain the accessible features at the premises in the future as mandated by 28
3 CFR 36.211.
4

5 WHEREFORE, the Plaintiff prays as follows:

- 6
- 7 A. That the Court find Defendant, SCG-NORTHPOINTE
8 LLC, in violation of the ADA and ADAAG;
- 9 B. That the Court enter an Order requiring Defendant,
10 SCG-NORTHPOINTE LLC, to (i) remove the physical
11 barriers to access and (ii) alter the Subject Property to
12 make the Subject Property readily accessible to and
13 useable by individuals with disabilities to the full extent
14 required by Title III of the ADA;
- 15 C. That the Court enter an Order directing Defendant,
16 pursuant to 28 C.F.R. §36.211, to fulfill its continuing
17 duty to maintain its accessible features and equipment so
18 that the facility remains accessible to and useable by
19 individuals with disabilities to the full extent required by
20 Title III of the ADA;
- 21 D. That the Court enter an Order directing Defendant to
22 implement and carry out effective policies, practices, and
23 procedures to maintain the accessible features and
24 equipment pursuant to 28 C.F.R. §36.302 and 28 C.F.R.
25 §36.211.
- 26 E. That the Court enter an Order directing Defendant to
27 evaluate and neutralize its policies and procedures
28 towards persons with disabilities for such reasonable time
so as to allow them to undertake and complete corrective
procedures;
- F. An award of attorneys' fees, costs (including expert
fees), and litigation expenses pursuant to 42 U.S.C. §
12205 and an award of monitoring fees associated with

1 ensuring that the Defendant is in compliance with the
2 ADA.

3 G. An award of interest upon the original sums of said
4 award of attorneys' fees, costs (including expert fees),
5 and other expenses of suit; and

6 H. Such other relief as the Court deems just and proper,
7 and/or is allowable under Title III of the Americans with
8 Disabilities Act.

9 **Dated** this 4th day of August 2023.

10
11 Respectfully submitted,

12 /s/ C. Ray Lundberg
13

14 By: C. Ray Lundberg, Esq.
15 Counsel for Plaintiff
16 Arizona State Bar No.: 025605
17 Telephone: 928-263-2026
Email: Ray@mohavelawaz.com

18 **DEFENDANT TO BE SERVED:**

19 SCG-NORTHPOINTE LLC
20 C/O CORPORATION SERVICE COMPANY
21 8825 N 23RD AVE STE 100,
22 PHOENIX, AZ 85021, USA
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